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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 GIOVANNI KURTZE,

Case No. 2:18-cv-00445-APG-GWF

8 Plaintiff,

9 v.

**FINDINGS AND RECOMMENDATION**

10 JOSEPH LOMBARDO, *et al.*,

11 Defendants.  
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13 On March 9, 2018, Plaintiff submitted his Complaint (ECF No. 1) without paying the  
14 requisite filing fee or attaching an application to proceed *in forma pauperis*. On March 30, 2018,  
15 Plaintiff filed an incomplete application to proceed *in forma pauperis* (ECF No. 4) and the Court  
16 issued an order instructing Plaintiff to submit a completed application or pay the \$400.00 filing  
17 fee. *Order*, (ECF No 7). On September 28, 2018, the Court entered an order to show cause,  
18 directing the Plaintiff to show cause, in writing, no later than October 12, 2018, why this matter  
19 should not be dismissed for failure to file his completed application to proceed *in forma*  
20 *pauperis*. The Court notified Plaintiff that failure to comply with the order would result in the  
21 recommendation that this action be dismissed with prejudice. To date, Plaintiff has failed to pay  
22 the \$400.00 filing fee and the time for which has now lapsed. Accordingly,

23 **IT IS HEREBY RECOMMENDED** that Plaintiff's Complaint (ECF No. 1) be  
24 **dismissed with prejudice** based on Plaintiff's failure to pre-pay the filing fee.

25 Dated this 18th day of October, 2018.

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28 GEORGE FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE